



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 70**

**[EPA-R07-OAR-2021-0416; FRL-8695-02-R7]**

**Air Plan Approval; Missouri; Revision to Emission Data, Emission Fees and Process Information Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) and Operating Permits Program revision submitted by the State of Missouri on May 25, 2021. These revisions update the listed emission reporting years and update the emissions fee for permitted sources as set by Missouri Statute from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

**DATES:** This final rule is effective on **[insert date 30 days after date of publication in the Federal Register]**.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2021-0416. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be

publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

**FOR FURTHER INFORMATION CONTACT:** Jason Heitman, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7664; email address: [heitman.jason@epa.gov](mailto:heitman.jason@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” and “our” refer to EPA. A technical support document (TSD) is included in the rulemaking docket for the proposed rule.

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### **I. Background**

On June 30, 2021, the EPA proposed to approve Missouri’s submitted SIP and Operating Permits Program revision in the *Federal Register* (86 FR 34677). The EPA solicited comments on the proposed approval of the submission and received no comments.

### **II. What is Being Addressed in this Document?**

The EPA is approving revisions to the Missouri State Implementation Plan (SIP) and title V Operating Permits Program,

10-6.110 "Reporting Emission Data, Emission Fees, and Process Information," submitted to the EPA on May 25, 2021. Revisions to the program include updating emission reporting years and increasing the annual emission fee. The annual emission fee will increase from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and increase again to \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

### **III. Have the Requirements for Approval of a SIP and Part 70 Revision Been Met?**

The State met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided a public comment period for this Operating Permits Program and SIP revision from August 17, 2020, to October 1, 2020, and received one comment in support of the revision. The revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations and is consistent with applicable EPA requirements in title V of the CAA and 40 CFR part 70. The public comment period on the EPA's proposed rule opened June 30, 2021, the date of its publication in the *Federal Register*, and closed on July 30, 2021. During this period, the EPA received no comments.

### **IV. What Action is the EPA Taking?**

The EPA is approving the State's revision to 10 C.S.R. 10-6.110 "Reporting Emission Data, Emission Fees, and Process

Information”, submitted by the State of Missouri on May 25, 2021. This revision updates the emissions fee for permitted sources in section (3) (A) and the emission reporting years in Table 4 of section (4) (B), as set by Missouri Statute. Specifically, section (3) (A) revises the emission fees section, which is approved under the Operating Permits Program only, and updates the emissions fee for permitted sources as set by Missouri Statute from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021. Additional information on the EPA’s analysis can be found in the Technical Support Document (TSD) included in this docket.

## **V. Incorporation by Reference**

The EPA is including regulatory text in this EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the Missouri Regulation described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## **VI. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and

applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

#### **List of Subjects**

##### **40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

##### **40 CFR Part 70**

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 12, 2021.

Edward H. Chu,  
*Acting Regional Administrator,*

Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

**PART 52--APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart AA-Missouri**

2. In §52.1320, the table in paragraph (c) is amended by revising the entry "10-6.110" to read as follows:

**§52.1320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

**EPA-APPROVED MISSOURI REGULATIONS**

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * *				
Chapter 6-Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * * * *				
10-6.110	Reporting Emission Data, Emission Fees, and Process Information	3/30/2021	[Insert date of publication in the Federal Register], [Insert Federal Register citation]	Section (3) (A), Emission Fees, has not been approved as part of the SIP.
* * * * *				

\* \* \* \* \*

**PART 70--STATE OPERATING PERMIT PROGRAMS**

3. The authority citation for part 70 continues to read as



follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

4. In appendix A to part 70 the entry for "Missouri" is amended by adding paragraph (jj) to read as follows:

**Appendix A to Part 70--Approval Status of State and Local  
Operating Permits Programs**

\* \* \* \* \*

*Missouri*

\* \* \* \* \*

(jj) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10-6.110, "Reporting Emission Data, Emission Fees, and Process Information" on May 25, 2021. The state effective date is March 30, 2021. This revision is effective **[Insert date 30 days after date of publication in the Federal Register]**.

\* \* \* \* \*

[FR Doc. 2021-17713 Filed: 8/23/2021 8:45 am; Publication Date: 8/24/2021]